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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the fourth periodic report of Liechtenstein

Addendum

Information received from Liechtenstein on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Follow-up on the Recommendations issued by the Committee against Torture to the Principality of Liechtenstein on 2 February 2016

1. In the Concluding observations on the fourth periodic report of Liechtenstein (CAT/C/LIE/CO/4) from 2 February 2016, the Committee against Torture issued nine recommendations to Liechtenstein, requesting information on follow-up to four of them concerning the definition of torture, the treatment of persons deprived of their liberty, violence against women and training by 9 December 2016.

Recommendation 11

2. **The Committee reiterates its previous recommendation that the State party should incorporate into its domestic criminal law a distinct crime of torture in conformity with article 1 of the Convention and ensure that offences that amount to acts of torture carry penalties commensurate with the gravity of this crime. The State party should also ensure that in the next revision of the Criminal Code acts amounting to torture are not subject to any statute of limitations. The Committee draws the State party's attention to paragraph 11 of its general comment No. 2 (2007) on the implementation of article 2 by States parties, which underscores the preventive effect of having the crime of torture defined as an offence in its own right.**

3. The Ministry for Home Affairs, Justice and Economic Affairs is currently working on a revision of the Criminal Code. In the course of this process, a working group has evaluated the Austrian Criminal Code Amendment Act from 2015 and the possible adoption of some of its elements in Liechtenstein, inter alia with regard to § 312a.This article defines torture as the infliction of physical or psychological harm or suffering to someone with the either of the following aims: Extraction of a statement or confession, punishment for actual or perceived actions, intimidation or coercion or a reason related to discrimination. The range of sentences is one to ten years of imprisonment. The consultation and decision-making processes regarding the revision of the Liechtenstein Criminal Code have not yet started, but are expected to take place in 2017.

Recommendation 17

4. **The Committee reiterates its recommendation that the State party should review its policy of health services in Vaduz National Prison and consider the appointment of a nurse or other medical personnel in order to preserve medical confidentiality, convey requests of detainees to have a medical examination, control stocks and ensure that medicines are provided only by qualified medical staff, in line with international standards. All persons arriving in a penitentiary institution should be examined by an independent medical doctor within 24 hours of arrival. The State party should also find a solution to guarantee work and leisure activities of prisoners to facilitate their return to social life.**

5. In March 2016, the National Police has concluded a service agreement with the association "Familienhilfe Liechtenstein" (Family Assistance Liechtenstein) concerning the distribution of prescription medication to inmates of the national prison. According to this agreement, the Family Assistance receives the prescription and then delivers the medication to the prisoners. In order to preserve medical confidentiality, the prison staff do not know which medication the prisoners receive.

6. The prison doctor undertakes his best efforts in order to examine persons arriving in the national prison as soon as possible, but the time frame of 24 hours is not necessarily guaranteed in every case.

7. The government has appointed a working group that explores ways to improve the situation of prisoners in the national prison. This includes the improvement of work and leisure activities for prisoners and the facilitation of their return to social life. The report of the working group is expected by the end of 2016.

Recommendation 21

8. **The State party should take steps to adopt a new plan in follow-up to the National Action Plan on Violence against Women implemented in 2009. It should also ensure that a gender-sensitive approach is applied during the refugee status determination procedure that allows for the identification of victims of sexual or gender-based violence.**

9. The national gender equality and equal opportunities structures are currently in a transformation process. Therefore, no decision has yet been taken regarding a new action plan. However, the government is committed to combating domestic violence and violence against women.

10. In this respect, it should be mentioned that in 2016, an internal administrative working group has evaluated Liechtenstein's laws and practice with regard to their compatibility with the Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Apart from marginal gaps that are expected to be closed in the course of the above mentioned planned revision of the Criminal Code, Liechtenstein's laws and practice comply with the Istanbul Convention. Liechtenstein has consequently signed the Convention on 10 November 2016, which is a clear sign of support and commitment to combating domestic violence and violence against women.

11. Regarding the gender-sensitive approach to asylum-seekers, it should be emphasised that gender-specific grounds for asylum are explicitly mentioned as a basis for granting refugee status in the Liechtenstein Asylum Act, which entered into force on 1 June 2012 (Art. 2, paras. 1a) and 2). Staff members of the Immigration and Passport Office are working in all-women teams who are trained and sensitised to take on such cases at the first sign of gender-specific violence. Female asylum-seekers have the opportunity to indicate any such grounds for seeking asylum already during their first questioning upon entering the country. Needless to say, the non-refoulement requirement as set out in Article 3 of the Asylum Act also applies to victims of gender-specific violence. During the asylum procedure, asylum-seekers receive medical care for any physical or psychological consequences of gender-specific violence.

Recommendation 27

12. **The State party should ensure that law enforcement personnel and other public officials involved in work with persons deprived of their liberty, asylum seekers and migrants receive training on the prohibition against torture and that the Istanbul Protocol is made an essential part of the training, in particular, for all medical professionals. The State party should develop and implement specific methodologies to assess the effectiveness and impact of such training.**

13. Liechtenstein police officers receive their training in Switzerland. In the course of their training, they are taught about their rights and duties in their conduct when arresting and interrogating persons. Additionally, law enforcement personnel routinely visit training programmes while on the job.

14. As a state party to the Optional Protocol to the Convention against Torture, Liechtenstein has a National Preventive Mechanism that closely monitors the treatment of persons deprived of their liberty in the national prison. In 2015, the NPM visited the

national prison five times. On these occasions, NPM members confidentially exchange with prisoners, and they report and recommend specific measures for further improvements if necessary. So far, the annual reports of the NPM have been positive in general.

15. The development and implementation of methodologies to assess the effectiveness and impact of training would be disproportionate to the number and size of places in Liechtenstein where persons are deprived of their liberty.